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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/721,729 | 11/25/2003 | Brown Lyle Wilson | 104-34622 | 5765 |

7590 07/06/2005

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EXAMINER

THOMPSON, KENNETH L

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,729

Applicant(s)

WILSON ET AL.

Examiner

Kenneth Thompson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-15 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8 and 16 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 Nov 03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Handwritten signature

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7, 8 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Holmberg, U.S. 2,220,334.

Regarding claims 1-4, Holmberg discloses an electrically driven (via 4) downhole centrifugal pump (5) and a downhole reciprocating pump (18), wherein the rotary pump supplies fluid power to reciprocate the reciprocating pump (page 1, lines 25-47).

As to claim 7, Holmberg discloses a primary piston (16), a secondary piston (20), a sequencing valve (11) connected to the discharge of the rotary pump (5) and the primary cylinder (16) for alternative directing well fluid to the lower (via 13) and to the upper (via 12) sides of the primary piston to stroke the secondary piston (20).

As to claim 8, Holmberg discloses all the claimed limitations including an intake (21) and discharge (22) valve mechanism (21,22,23) that admits well fluid to the secondary cylinder (20) a conduit (12) that connects another portion of the discharge of the rotary pump to the intake and discharge valve mechanism of the secondary cylinder for pumping well fluid to the surface.

Regarding claim 16, Holmberg discloses a rotary pump (5) and a reciprocating pump (18) both having an intake (6 and 12 via 7,6) in fluid communication with well fluid, the rotary pump

supplying well fluid to the reciprocating pump, driving the reciprocating pump and pumping well fluid to the surface of the well with the reciprocating pump.

Allowable Subject Matter

Claims 9-15 are allowed

Claims 5, 6, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest all the claimed subject matter including a manifold that delivers a first portion of the well fluid discharged from the rotary pump to cause the reciprocating pump to reciprocate, a second portion of the well fluid into an intake of the reciprocating pump, and a third portion back into the well.

The prior art of record does not disclose or suggest all the claimed subject matter including use of a sequencing valve.

The prior art of record does not disclose or suggest all the claimed subject matter including the secondary piston being smaller in diameter than the primary piston.

The prior art of record does not disclose or suggest all the claimed subject matter including supplying a portion of well fluid being pumped by the reciprocating pump to the intake of the reciprocating pump.

The prior art of record does not disclose or suggest all the claimed subject matter including directing an exhaust portion of the well fluid being pumped by the rotary pump

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downward to a point below the motor, and flowing the exhaust portion upward past the motor into the intake of the rotary pump.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


26 June 2005

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